

“33.3. A new combination, or an avowed substitute, published on or after 1 January 2007 is not validly published unless its basionym or replaced synonym is cited.”

(229) Add the following example after the current Ex. 4:

“Ex. 4bis. *Conophytum marginatum* subsp. *littlewoodii* (L. Bolus) S. A. Hammer (New Views Gen. *Conophytum*: 181. 2002, also titled *Dumpling and his Wife*) is validly published. Although Hammer omitted the basionym (*Conophytum littlewoodii*) he indicated it by citing the full basionym reference.”

(230) Reword Art. 33.4 as follows:

“33.4. Errors in the citation of the bibliographic reference to the basionym or replaced synonym, or in author citation (Art. 46) required under Art. 33.3, do not invalidate publication of a new combination or nomen novum, but omission of any of these items does invalidate them (but see Art. 33.2). Provided the other requirements of Art. 33.3 are met, omission of a basionym or replaced synonym, or an error in its rank, does not invalidate publication of a new combination or nomen novum prior to 1 January 2007.”

(231–232) Proposals to add examples to two articles of the *Code* concerning valid publication

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Examples make the *Code* more user friendly, particularly in cases where the wording may seem a bit vague or difficult to understand. I hope the Editorial Committee for the *Code* will get, or find themselves, good examples to add when the next *Code* is being edited. In this spirit I propose two additional examples to two articles:

(231) Add a further example to Art. 33.1:

“Tuckerman (in Proc. Amer. Acad. Arts 12: 168, 1877) described “*Erioderma velligerum* sub-sp. nov.”, but did not associate the subspecific epithet with that of any species, only indicating in the discussion features that distinguished it from *E. chilense* to which it was said to be “very near”. His intended subspecies name is not, therefore, validly published.”

This is useful to show that the word combination in this article, does not necessarily involve transfer of a pre-existing name as a new combination as represented by the present Art. 33 Ex. 2.

(232) Add a further example to Art. 34.1:

“The designation “*Sterocaulon subdenudatum*” proposed by Havaas (Bergens Mus. Årbok. 12: 13, 20. 1954) is not validly published in spite of being presented as a new species with a Latin diagnosis, since on both pages it was indicated to be “*ad int.*”

This would be useful to eliminate any doubt about what a provisional name is, and to point out that in these situations the “*ad int.*” (a rather common procedure in the past) is the most important factor in such cases.

(233–234) Some proposals to clarify the concept of ‘ascription of a name’

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Even though the Tokyo decisions regarding Art. 46 strengthened the uniform application of the rules, there are still a few points that deserve clarification. In 2001 and 2002, we discussed by email a large number of cases from several publications, with several colleagues joining in these discussions from time to time. It was evident that differing interpretations still exist in the application of this Article in instances where there was an ascription of the description or diagnosis of a new taxon to an author that differs from the author of the publication, but without explicit ascription of the name itself. The debate was focused on the question of whether there is indeed no ascription of the name, or if one could interpret that there is ascription of the name by implication. Art. 46, Ex. 5 appears to play a key role in the latter interpretation. This states:

“Ex. 5. The name *Brachystelma* was published by Sims

(1822) who by implication ascribed it to Brown and added “Brown, Mscr.” at the end of the generic diagnosis, indicating that Brown wrote it. The name is therefore cited as *Brachystelma* R. Br.”

In this example the concept of ‘ascription by implication’ is introduced. It may be argued, however, that Art. 46.3 does not permit such a concept as “ascription is the *direct* association of the name of a person or persons with a new name ...” (italics by us).

It is not surprising that the *ICBN* (Greuter & al. Regnum Veg. 138. 2000) seems to offer two directions to handle such cases. The Tokyo decisions were a compromise between rather different concepts for the use of ‘ex’ and ‘in’. For the sake of stability, we think that Art. 46.3 should prevail. It has received general recognition, and its strict application offers the only solution to continue with the generally accepted typification of many names.

This conclusion became unavoidable when applied to Linnaeus's *Species plantarum* (1753). If we would accept the idea of ascription of a name by implication, we would conclude that *Erica ciliaris* was published by Loeffling in Linnaeus (p. 354), and *Dirca palustris* by Gronovius (p. 358). Such a decision would have consequences for the typification of these species names: i.e., one would have to designate a specimen investigated by Loeffling or Gronovius, respectively. With Pursh's *Flora americana septentrionalis* (1813), the same conclusion would seem appropriate when considering species names with descriptions ascribed to Pallas. Both of these works employ a similar format where binomials are presented without ascription and only the specific epithet appears in the page margins.

Our rejection of the idea of ascription by implication does not, however, imply that we favour the elimination of Ex. 5. We believe this example should be reworded, preserving its current interpretation of authorship for the name involved but removing any reference to "implication" and narrowing its application to a particular situation. We suggest that this clarification will also settle a long-persisting debate on the authorship of many names in Roemer & Schultes (Syst. Veg. 1817–1830), a work noteworthy for its inconsistent ascriptions of names and descriptions or diagnoses.

On the wording of Art. 46.3 and its interpretation, our discussions oscillated on one point: Is it correct that an author citation appearing in a list of synonyms, as presented in Ex. 10 dealing with *Hypnum crassinervium*, does not constitute ascription? In this example, one could conclude that "*Hypnum crassinervium* Dr. Taylor MSS." is not a synonym because a synonym is a different name for the same taxon. Moreover, in some works that kind of reference is often given to indicate the basis of a name. If we adhere strictly to the definition of ascription in Art. 46.3, however, we must say that citation in a synonym position is not a "direct association" with the name and therefore is not an ascription but

rather an "attribution," a term not defined in the *ICBN*. This seemingly follows the intent of the findings reached at Tokyo, even though it is against established custom and results in changes to numerous authorships.

We propose an amendment of Ex. 5 and that some new examples be added to Art. 46 as follows:

(233) Rephrase Art. 46 Ex. 5:

"Ex. 5. The name *Brachystelma* was published in Sims (Bot. Mag. ad t. 2343. 1822), along with one new species listed as "*Brachystelma tuberosa*. Brown Mscr."; in addition, at the end of the generic diagnosis Sims added "Brown, Mscr.", indicating that Brown wrote it. Because the generic and species names were simultaneously validated (Art. 42), the direct association of Brown's name with the species name and the generic diagnosis establishes that the genus should be cited as *Brachystelma* R. Br."

(234) Add the following new examples to Art. 46 following Art. 46.3 and 46.4, respectively:

"Ex. n. The name *Claytonia lanceolata* was published by Pursh (1813) without ascription of the name, as is the case for all names in Pursh's work, although the species description was ascribed to "Pall. Mss." Since the name itself was not ascribed to Pallas, the name must be cited as *Claytonia lanceolata* Pursh, not *Claytonia lanceolata* Pall. or *Claytonia lanceolata* Pall. ex Pursh."

"Ex. n. The name *Drymaria arenarioides* was published in Roemer & Schultes (Syst. Veg. 5: 406. 1819), with the name ascribed to "Humb. et Bonpl.", and the description ascribed to "Reliqu. Willd. MS.". Because of this, and because vol. 5 of this work is authored by Schultes alone, the name is to be cited as *Drymaria arenarioides* Humb. & Bonpl. ex Schult., not as *Drymaria arenarioides* Willd. or *Drymaria arenarioides* Willd. ex Roem. & Schult."

(235–240) Six proposals to amend the Code

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After the last modification of the *Code* (Saint Louis, 2000) some specific cases and real or apparent contradictions have taken our attention, as well the lack of uniformity of rank abbreviations in the botanical literature. Therefore, we submit here five proposals to amend Articles of the *Code*. We also note that one of the current Recommendations is now obsolete and superfluous, and we therefore propose its deletion.

Different interpretations of the term 'specimen' have resulted in its replacement in some parts of the *Saint Louis Code* by the term 'gathering'. The new redaction of Art. 37.2 results in a contradiction of Art. 37.6. The first (Art. 37.2) allows designation of a gathering or parts thereof as type, "... even if it consists of two or more specimens as defined in Art. 8 ..." and the type may even be mentioned to be deposited in more than one herbarium (Art. 37 Ex. 1). Art. 37.2 is also limited by Art. 8.1, which defines "The type ... is either a single specimen conserved in one herbarium ...", although the definition of specimen is amplified at Art. 8.3. Art.

37.6 states, that "... on or after 1 January 1990 ... the single [our italics] herbarium or collection or institution in which the type is conserved must be specified." There are two possibilities to avoid contradiction: giving pre-eminence to Art. 37.2 over Art. 37.6, or the opposite. We will give two proposals for Art. 37.2 here:

(235) In Art. 37.2 add the reference " , but see Art. 8.1 and Art. 37.6" after "see also Art. 37.5":

The intention of the new Art. 37.2 in the *Saint Louis Code* was to enable subsequent valid publication of names published between and including 1 January 1958 and 31 December 1989 with types indicated by reference to more than one specimen but from one gathering (cf. Greuter & al. in Englera 20: 178–182. 2000). Therefore, Art. 37.6 in its current wording should be considered as a limitation of Art. 37.2, as mention of more than one herbarium for the type is allowed only before 1 January 1990. However, reference to Art. 8.1 and Art. 37.6 is lacking in Art. 37.2. An addition of such a reference would fix the relation of Art. 8.1,